

Subparts C–E [Reserved]

Subpart F—Classification Appeals

SOURCE: 46 FR 9913, Jan. 30, 1981, unless otherwise noted.

§511.601 Applicability of regulations.

This subpart applies to a request from an employee or an agency for the Office to review the classification of a position subject to chapter 51 of title 5, United States Code, or for the Office to determine whether a position is subject to that chapter.

§511.602 Notification of classification decision.

An employee whose position is reclassified to a lower grade which is based in whole or in part on a classification decision is entitled to a prompt written notice from the agency. This includes employees who are eligible for retained grade or pay. If the reclassification is due to an Office classification certificate issued under the authority of 5 U.S.C. 5110, the agency will also explain the reasons for the reclassification action to the employee. This notice shall inform the employee:

- (a) Of his or her right to appeal the classification decision to the agency (if the agency has an established appeal system and it has the authority to review the classification decision), or to the Office as provided in this subpart if such an appeal has not already been made;
- (b) Of the time limits within which the employee's appeal must be filed in order to preserve any retroactive benefits under §511.703; and
- (c) Any other appeal or grievance rights available under applicable law, rule, regulation or negotiated agreement.

§511.603 Right to appeal.

- (a) *Employee appeal.* An employee, or the employee's designated representative acting on behalf of an employee, may request an Office decision as to:
 - (1) The appropriate occupational series or grade of the employee's official position.
 - (2) The inclusion under or exclusion from chapter 51 of title 5, United

States Code, of the official position by the employee's agency or the Office, except in the case of a position located in the Office of the Architect of the Capitol.

- (b) *Agency appeal.* The head of an agency, or an authorized representative, may appeal any classification certificate issued by the Office under sections 5103 or 5110 of title 5, U.S.C., with respect to any position in the agency.

§511.604 Filing an appeal.

- (a) *Employee.* An employee may appeal by writing to the Office directly, or by forwarding the appeal through the employing agency.
- (b) Referral of an employee appeal to the Office. An agency shall forward, within 60 calendar days of its receipt in the agency, and employee's appeal filed through the agency to the Office when:
 - (1) The employee has directed the appeal to the Office and the agency's written decision is not favorable; or
 - (2) The agency is not authorized to act on the employee's appeal; or
 - (3) The agency has not decided the appeal within the established time period.

§511.605 Time limits.

- (a) *Employees.* (1) An employee may submit an appeal of his or her official position at any time. If the employee has suffered a loss in grade or pay, is not entitled to retained grade or pay, and desires retroactive adjustments, the time limits in §511.703 must be observed.
- (2) If the employee is appealing an agency decision or an Office classification certificate issued under 5 U.S.C. 5103 or 5110, the employee shall promptly appeal if he or she disagrees with the classification certificate. Employees must meet the time limits provided in §511.703 in order to preserve the right to retroactive adjustment.
- (b) *Agency.* An agency may appeal an Office classification certificate issued under authority of section 5103 or 5110 of title 5, United States Code, at any time. Heads of agencies should appeal prior to the implementation date of the certificate if they disagree with the classification rationale.
- (c) *Reconsideration.* An employee or agency may request reconsideration of